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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: WORLD TRADE CENTER
DISASTER SITE LITIGATION

21 MC 100 (AKH)

DENNIS THOMSON,

Plaintiff,

05 cv 07520

05 cv 01630

v.

CITY OF NEW YORK *ET AL.*,

Defendants.

STIPULATION

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel, on behalf of their respective clients in the above-captioned actions, as follows:

WHEREAS, the Tabak Melkisi & Shisha firm (the "Shisha firm"), on behalf of Plaintiff Dennis Thomson ("Thomson"), has brought claims against the City of New York (Civil Action No. 05 cv 07520), alleging respiratory injuries arising from Thomson's alleged participation in the rescue, recovery, and debris removal operation at the WTC Site and related locations following the terrorist attacks of September 11, 2001 ("WTC rescue, recovery, and debris removal operation"), and also separately alleging an orthopedic injury arising from a September 6, 2004 incident unrelated to the WTC rescue, recovery and debris removal operation;

WHEREAS, the Worby, Groner, Edelman & Napoli Bern firm (the "Napoli firm"), also on behalf of Thomson, has asserted claims against the City of New York *et al.* (Civil Action No. 05 cv 01630), alleging respiratory injuries arising from Thomson's alleged participation in the WTC rescue, recovery, and debris removal operation;

WHEREAS, Thomson wishes to modify and/or clarify the scope of his representation by the Napoli firm and the Shisha firm;


IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

1. The Shisha firm, on behalf of Thomson, hereby dismisses from Civil Action No. 05 cv 07520 any claims arising from Thomson's alleged participation in the WTC rescue, recovery, and debris removal operation;
2. In light of this dismissal, the Shisha firm now represents Thomson only with respect to his claims against the City of New York (Civil Action No. 05 cv 07520), alleging an orthopedic injury arising from the September 6, 2004 incident unrelated to the WTC rescue, recovery and debris removal operation;
3. In light of this dismissal, only the Napoli firm now represents Thomson with respect to his claims against the City of New York *et al.* (Civil Action No. 05 cv 01630), alleging respiratory injuries arising from his alleged participation in the WTC rescue, recovery and debris removal operation;
4. Thomson shall not pursue any claim for orthopedic injury, against the City of New York or any other entity, arising from his alleged participation in the WTC rescue, recovery, and debris removal operation;
5. In the event Thomson elects to opt into the World Trade Center Litigation Settlement Process Agreement, as Amended with respect to his claim for respiratory injuries arising from his alleged participation in the WTC rescue, recovery, and debris removal operation. (Civil Action No. 05 cv 01630), his settlement of such claim for respiratory injuries shall not affect his claim for orthopedic injury against the City of New York arising from the September 6, 2004 incident unrelated to the WTC rescue, recovery and debris removal operation;
6. Except as otherwise stated herein, this Stipulation shall not supersede any Orders previously entered in the Thomson action(s), the *In re World Trade Center Disaster Site Litigation*, 21 MC 100 (AKH), or any individual action consolidated thereunder.

This Stipulation may be filed without notice with the Clerk of the Court.

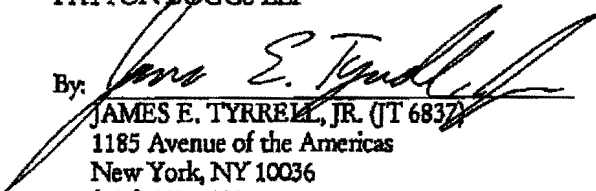
Dated: New York, New York
November 10, 2010

TABAK MELLUSI & SHISHA

By: 
JACOB SHISHA (JS 5452)
29 Broadway
New York, NY 10006

Dated: New York, New York
November 8, 2010

PATTON BOGGS LLP


By: 
JAMES E. TYRRELL, JR. (JT 6832)
1185 Avenue of the Americas
New York, NY 10036
(646) 557-5100

Dated: New York, New York
November 8, 2010

WORBY, GRONER, EDELMAN & NAPOLI BERN, LLP

By: 
CHRISTOPHER R. LOPALO (CL 6466)
350 Fifth Avenue, Suite 7413
New York, NY 10118

SO ORDERED: 11/10/10


HONORABLE ALVIN HELLERSTEIN
UNITED STATES DISTRICT COURT JUDGE
SOUTHERN DISTRICT OF NEW YORK